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| APPLICATION NO.               | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 10/669,284                    | 09/24/2003  | Mitsunori Sakama     | 0553-0185.01        | 6594             |
| 7590 05/15/2006               |             |                      |                     |                  |
| Edward D. Manzo               |             | EXAMINER             |                     |                  |
| Cook, Alex, McFarron, Manzo,  |             | MONDT, JOHANNES P    |                     |                  |
| Cummings & Mehler, Ltd.       |             |                      |                     |                  |
| 200 West Adams St., Ste. 2850 |             | ART UNIT             |                     |                  |
| Chicago, IL 60606             |             | PAPER NUMBER         |                     |                  |
|                               |             | 3663                 |                     |                  |
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Please find below and/or attached an Office communication concerning this application or proceeding.



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|--|--------------------------|---|-------------------------------------|
| APPLICATION NO./<br>CONTROL NO. 10/669,284 | FILING DATE<br>9/24/2003 | FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION<br>SAKAMA, M. | ATTORNEY DOCKET NO.<br>0553-0185.01 |
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## EXAMINER

Johannes Mondt

## ART UNIT

3663

## PAPER

20060509

DATE MAILED:

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## Commissioner for Patents

Substantially amended claims 41-71 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Applicant has completely changed the claimed invention as defined by original presentation, which, in all claimed subject matter comprised a limitation on a gate insulating film with claimed ranges of the concentrations of nitrogen, oxygen and hydrogen therein. In said Amendment applicant replaced said limitation with limitations on a base film, or a second base film on first base film, with said claimed ranges for the concentrations of nitrogen, oxygen and hydrogen.

The invention as claimed by original presentation and the invention as claimed by said Amendment are subject to a requirement of election of a single species under 35 USC 121 as follows:

This application contains claims directed to the following patentably distinct species of a semiconductor device comprising pixel portion and driver circuit on a substrate, comprising, in

Species (OR) as originally claimed: a gate insulating film, comprising oxygen, nitrogen and hydrogen in specified ranges as claimed.

Species (AM) as claimed by Amendment filed 2/21/06: a base film on said substrate, said base film comprising said specified ranges of concentrations of oxygen, nitrogen and hydrogen.

The Species OR and AM are mutually exclusive because the base film, extending along and overlying the substrate underneath the semiconductor layer, said semiconductor layer comprising channels, could not function as gate for both n-type and p-type transistors, nor would said gate insulating film provide a base for the semiconductor layer(s); hence the Species, distinguished by their claimed concentrations of nitrogen, oxygen and hydrogen in the base and gate insulating films, respectively, are mutually exclusive.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 41-71 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE

JPM

May 9, 2006